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In re application of
Chihiro Araki
Serial No. 10/063,870
Filed: May 21, 2002
For: WIRE BONDING METHOD AND APPARATUS
THEREFOR

DECISION ON
PETITION

This is a response to the REQUEST FOR REINSTATEMENT AND EXAMINER'S ANSWER filed May 24, 2004 and resubmitted July 29, 2004 and the SECOND STATUS LETTER AND REQUEST FOR SUPERVISORY REVIEW filed September 12, 2004. The requests ask that the abandonment, as set forth in the Notice of Abandonment of May 20, 2004, for failure to timely submit the fee for filing an appeal brief as required under 37 CFR 1.17(c), be withdrawn since the applicants did timely file the fee along with the filing of the appeal brief on August 22, 2003.

DECISION

The instant request has been accepted as a petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 (no fee) - no abandonment-in-fact. A review of the evidence presented reveals that the fee for filing an appeal brief as required under 37 CFR 1.17(c), was properly filed on August 22, 2003, by facsimile transmission as evidenced by the properly completed Certification of Facsimile Transmission attached to appellant's brief and by the copy of the Facsimile Transmission report provided with the instant petition which indicates the successful transmission, to a USPTO facsimile telephone number (703-872-9311), of 7 pages. Therefore, the application was never in-fact abandoned and any holding of abandonment for failure to timely file the fee for filing an appeal brief as required under 37 CFR 1.17(c), is hereby vacated, and the application is returned to pending status. It is further noted that a review of the USPTO financial records for the instant application indicates that the fee for filing an appeal brief as required under 37 CFR 1.17(c) has been charged twice to applicant's credit card.

The application shall be forwarded to the technical support staff for refunding of one of the charged appeal brief fees and then to the examiner for processing and consideration of the papers originally filed August 22, 2003 by facsimile transmission.

The Petition is **GRANTED**.

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